

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

CARLOS CLIFFORD LOWE, )  
                            )  
Petitioner,             )  
                            )  
v.                         ) Nos: 3:05-cr-022  
                            ) 3:08-cv-265  
UNITED STATES OF AMERICA, ) (VARLAN/SHIRLEY)  
                            )  
Respondent.             )

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** the petitioner leave to proceed in forma pauperis on appeal.

**E N T E R :**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT  
s/ Patricia L. McNutt  
CLERK OF COURT